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Wednesday, September 18, 2013

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Subject: Appeal of USAC Funding Decision

**Docket 02-6**

School: Yeshive Toras Emes D'Radashits,  
471 # 806177  
FRN 2186448

We received a response to an Appeal to USAC on a Funding Notification of Commitment Adjustment Letter dated August 6, 2013 stating: "After thorough review and investigation of all relevant facts, USAC has made its decision regarding our appeal to USAC and are denying our request and are essentially rescinding the above mentioned Funding Commitments, because it was determined that funding was provided for the following ineligible items: Redundant PBX- Bogen PBX Expansion unit.

We would like to appeal this decision based on the following:

- The Bogen PBX is not functioning as a redundant PBX rather is set up and being used in conjunction with the primary PBX. The term PBX as we understand is simply a sum total of all necessary components, which are not necessarily all by the same manufacturer. This is in true in the case of the Bogen PBX expansion that is utilized in conjunction with the primary PBX where voice traverses analog circuits, digital lines, IP networks, and many forms of wireless signals. The primary PBX provides the capability for advanced multiline telephone instruments, IP Telephones, voicemail and standard and advanced telephone line interface such as PRI or SIP Trunks. For the areas of the school or library that require standard telephone service (analog circuits) such as class rooms the some schools selected to purchase a Bogen system. The Bogen System and the "primary" PBX are integrated in such a way that they are effectively one system, station-to-station calls and calls to the public switched network flow freely between the two systems.
- The cost of utilizing the two systems will typically be similar to (or lower than) the cost of adding the additional capacity (through end connections from the same manufacturer as the PBX) to the primary PBX.
- Additionally, when USAC approved the Bogen systems USAC was fully aware that the schools are using a Bogen system in combination with a standard PBX. During PIA USAC questioned the need of the Bogen but nevertheless accepted the schools explanation that the Bogen is being used for PBX in the classrooms. It seems that USAC simply changed their own rules after the Bogen was approved and installed. Also the Bogen PBX expansion was also listed as 100% eligible in the USAC Eligible Products Database.

Harry Fischer, H&F Communications, inc.

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